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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,697	01/18/2002	William D. Castell	555255012306	1441

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David B. Cochran, Esq.
Jones, Day, Reavis & Pogue
North Point
901 Lakeside Ave
Cleveland, OH 44114

EXAMINER	
GAUTHIER, GERALD	

ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/051,697	CASTELL ET AL.	
	Examiner	Art Unit	
	Gerald Gauthier	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 February 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *6-9,17-22,27-35,41-43,45 and 53-71* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *6-9,17-22,27-35,41-43,45 and 53-71* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *07 November 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. The declaration filed on November 7, 2005 under 37 CFR 1.131 has been considered but is ineffective to overcome the Rodriguez reference.

2. The evidence submitted is insufficient to establish a conception of the invention prior to the effective date of the Rodriguez reference. While conception is the mental part of the inventive act, it must be capable of proof, such as by demonstrative evidence or by a complete disclosure to another. Conception is more than a vague idea of how to solve a problem. The requisite means themselves and their interaction must also be comprehended. See *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 6, 7, 9, 18, 22, 30-35, 41-43, 53-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al (US: 6333973), and in view of Rodriguez et al (US: 6580784).

For claims 6, 7, 9, 18, 30, 31, Smith et al teach on Fig. 5, a unified messaging system including voicemail, FAX, and email servers (claimed "data store"). Smith et al teach on Fig. 2, wireless mobile communication device.

Smith et al teach on column 4 line 21-24, storing the voicemail and sending a short message notifying the user of the pending voicemail. Smith et al teach on column 7 line 51-55, the notification includes caller's name and telephone number, and a time and date stamp (claimed "information regarding the voicemail message").

Smith et al teach on Fig. 7A and 7B, displaying voicemail message information on the display interface. Smith et al teach on column 9 line 54-60, selecting the voicemail icon to play the voicemail (reads on claimed "providing the message retrieval command" and "a connection request"). Therefore, each display entry is a message retrieval command. Smith et al teach on column 9 line 62-65, the command is translated into DTMF tones to control voicemail server. The command (DTMF tones) must be transmitted from the mobile device to the unified messaging system.

Smith et al teach on column 10 line 1-2, playback the voicemail (transmitting the voicemail to the mobile device).

Smith et al failed to teach "the voice mail system initiates a voice call to the wireless mobile device". However, Rodriguez et al teach on column 4 line 12-22, a

voicemail system initiates a call to a mobile telephone. It is inherent that a voicemail (audible) is transmitted via a voice channel.

It would have been obvious to one skilled at the time the invention was made to modify Smith et al to have "the voice mail system initiates a voice call to the wireless mobile device" as taught by Rodriguez et al such that the modified system of Smith et al would be able to support the system users convenience of having the voice mail system to initiate a call to the mobile device.

Regarding claim 22, see Fig. 5 and column 4 line 1-7 .

Regarding claims 32, 33, see Fig. 7A and 7B.

Regarding claims 34, 35, see column 6 line 3-6 and Fig. 10.

Regarding claim 41, see Fig. 10.

Regarding claims 42, 43, see column 9 line 61-65.

7. Claims 8, 17, 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al, in view of Rodriguez et al, and further in view of Brilla et al (US: 6389276).

Regarding claims 8, 17, 27, 29, the modified system of Smith et al in view of Rodriguez et al as stated in claim 6 above failed to teach "an email message including the information regarding the voice mail message and transmitting the email message to the mobile device". However, Brilla et al teach on column 17 line 10-20, voicemail notification by emails.

It would have been obvious to one skilled at the time the invention was made to modify Smith et al in view of Rodriguez et al to have "an email message including the information regarding the voice mail message and transmitting the email message to the mobile device" as taught by Brilla et al such that the modified system of Smith et al in view of Rodriguez et al would be able to support the system users convenience of using emails for notifications.

Regarding claim 28, rejections as stated in claim 27 above apply.

The modified system of Smith et al in view of Rodriguez et al and further in view of Brilla et al as stated in claim 27 above failed to teach "e-mail messages are stored at an e-mail server". However, "Official Notice" is taken that emails are stored at an email server is old and well known to one skilled in the art.

It would have been obvious to one skilled at the time the invention was made to modify Smith et al in view of Rodriguez et al and further in view of Brilla et al to have "e-mail messages are stored at an e-mail server" such that the modified system of Smith et al in view of Rodriguez et al and further in view of Brilla et al would be able to support the system users conveniences of having an email server to maintain email messages.

8. Claims 19, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al, in view of Rodriguez et al, and in view of Swistock (US: 6389115).

Smith et al teach on item 5600 Fig. 5, a voicemail server (claimed "voicemail system") integrated within the unified messaging system.

The modified system of Smith et al in view of Rodriguez et al as stated in claim 18 above failed to teach "a PBX coupling the voicemail system to a wireless voice network". However, Swistock teaches on Fig. 1A, a PBX coupling a voicemail system to a wireless voice network.

It would have been obvious to one skilled at the time the invention was made to modify Smith et al in view of Rodriguez et al to have "a PBX coupling the voicemail system to a wireless voice network" as taught by Swistock such that the modified system of Smith et al in view of Rodriguez et al would be able to support the system users convenience of using a PBX to couple the voicemail system and the wireless voice network.

9. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al in view of Rodriguez et al.

Smith et al teach on Fig. 7A and 7B, reference identification in the notification message.

The modified system of Smith et al in view of Rodriguez et al as stated in claim 18 above failed to teach "including the reference identification in the command signal". However, "Official Notice" is taken that including the identification in the "retrieving

message" command to access the desired message is old and well known to one skilled in the art.

It would have been obvious to one skilled at the time the invention was made to modify Smith et al in view of Rodriguez et al to have "including the reference identification in the command signal" such that the modified system of Smith et al in view of Rodriguez et al would be able to support the system users convenience of selecting the desired message without worrying detail information included in the command.

10. Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al, in view of Rodriguez et al, and further in view of Fougnies (US: 6434378).

Smith et al in view of Rodriguez et al teach incoming call from a voice mail system to the mobile device for playing the voicemail messages. The mobile device must recognize the incoming call for receiving and playing the voicemail messages.

The modified system of Smith et al in view of Rodriguez et al as stated in claim 18 above failed to teach "automatically answering the incoming call without a ringing". However, Fougnies teaches on column 5 line 19-20, a cellular telephone has features of auto answer and silent ring.

It would have been obvious to one skilled at the time the invention was made to modify Smith et al in view of Rodriguez et al to have "automatically answering the incoming call without a ringing" such that the modified system of Smith et al in view of

Rodriguez et al would be able to support the system users convenience of automatically playing the voicemail messages without ringing the phone.

Response to Arguments

11. Applicant's arguments filed November 7, 2005 have been fully considered but they are not persuasive. The declaration made by the applicant is not acceptable, thereby the rejection of Rodriguez stands and the new claims added are rejected also.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GERALD GAUTHIER
PATENT EXAMINER

Gerald Gauthier
Examiner
Art Unit 2614

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